REMARKS

Claims 14, 16, 25, 28 and 30 are pending.

I. Claim Amendments

Applicant hereby cancels claims 11-13, 15, 24, 26, 27 and 29 without prejudice or disclaimer. Applicant expressly reserves the right to file claims directed to the subject matter of the cancelled claims in one or more divisional applications.

Claims 14 and 28 are hereby amended to presently recite subject matter previously presented by claims 11 and 14, and 11 and 28 respectively and find support in the original specification at pages 1, lines 20-21 and page 34, lines 17-18. In particular, present claims 14 and 28 present N,N-bis(2-hydroxyethyl)dodecaneadmide in combination with POE(2) C13-15 alkylamine (where POE represents polyoxyethylene), as well as specific electrostatic properties.

Claim 25 adds the "non-flammabilty" characteristic of the film to the film of claim 14. Specifically, proportions of the olefinic base resin, the antistatic agent and filler are selected such that said film passes a discharge incendivity test. Such discharge incendivity test is described in detail in the present specification beginning on page 33, line 11.

As each feature of the pending claims has been presented in a previous claim, it is respectively presented that (1) no new matter is being entered, and (2) a new search is not required.

II. 35 USC § 112

Claims 25-30 stand rejected under 35 USC § 112, first paragraph, as allegedly containing subject matter which was not adequately described in the specification. In particular, the Office Action points to the recited "discharge incendivity test". Applicants respectfully present that, as amended, claim 25 (the only claim remaining of claims 25-30) does not read on any conceivable composition falling within the test limitations as alleged in the Office Action. Specifically, claim 25 (now depending from claim 14), only recites the subset of compositions of claim 14 which additionally pass the discharge incendivity test. Thus, claim 25 is properly a dependent claim,

further narrowing the limitations of the claim from which it depends. Reconsideration is respectively requested.

III. 35 USC § 102/§ 103

Claims 11-16 stand rejected under 35 USC § 102(e) as being anticipated by, or in the alternative, under 35 USC § 103(a) as being obvious over each of Hayes (U.S. Patent No. 6,210,764), Azuma et al. (U.S. Patent No. 4,785,042) and Fukui et al. (U.S. Patent No. 5,100,930). The Office Action asserts each of these references discloses, or in the alternative renders obvious, each feature of the pending claims.

However, Applicants respectfully submit that these references do neither teach, nor disclose, each feature of the present independent claims. In particular, as amended, claim 14 presently recites particular ratios selected for the antistatic agents which produce a film having a surface resistivity of less than $1x10^{11}$ ohms per square and/or a charge decay of less than 3.5 seconds. The invention lies in the particular selection of the proportions of the particularly recited antistatic components, such that the film exhibits the claimed characteristics. While the references may disclose films having similar properties, none provides a teaching or suggestion of the proportions set forth in the claims to produce the particular electrical surface resistivity and/or charge decay properties as presently claimed.

Additionally, Applicants respectfully present that even if the cited references literally teach the claimed combination of antistatic agents, none presents both N,N-bis(2-hydroxyethyl) dodecaneamide and POE(2) C13-C15 alkylamine in the particular percentages recited.

While Azuma et al. presents various combinations of antistatic agents in various proportions, Applicants reiterate that none of the antistatic agents used therein are either N,N-bis(2-hydroxyethyl) dodecaneamide nor POE(2) C13-C15 alkylamine. Additionally, it is the selection of these two antistatic agents that is the subject matter of the present claims. While this reference gives examples of particular amide-based antistatic agents and amine-based antistatic agents, the reference does not disclose, nor suggest the applicability of the presently claimed antistatic agents.

In fact, of the parts by weight of the various examples taught by the reference, the amount of amine-based antistatic agent used in the present invention is approximately one-third of the levels taught by the reference. (See Example 62 of Table 4). Although it is understood that adding extra of a component may be considered an obvious modification, it is respectfully submitted that reducing the level by one-third is not so. In fact, because the antistatic properties of this Example are described as producing no attachment of ash at a height of 1-3 cm, one of ordinary skill in the art would not be motivated to reduce the amount of antistatic agent used. Furthermore, it is noted that each of the Examples of Azuma et al. that result in attachment of ash at a height of not more than 7 cm, i.e., Comparative Examples 9 (Table 1), 10 and 11 (Table 2), 15 (Table 3) and 28 (Table 4), each utilize more amine-based antistatic agent then presently claimed. As a result, a straight linear relationship cannot be assumed. Thus, one of ordinary skill in the art would actually be motivated to utilize more amine-based antistatic agent, not the presently claimed less.

While Hayes teaches generally the class of fatty acid amides as an additive to an outer layer of a film, this reference does not disclose the particular antistatic agents recited by the present claims. This reference also fails to teach or suggest the incorporation of a second antistatic agent, to be used in combination with the fatty acid amide, and certainly does not present that such a second antistatic agent is POE(2) C13-15 alkylamine.

Fukui et al. also fails to disclose or suggest the particular antistatic agents recited by the present claims in the recited proportions. While column 4, lines 33-38 do present a variety of fatty acid amides, there is no suggestion to utilize N,N-bis(2-hydroxyethyl) dodecaneamide. Similarly, although a variety of amine-based antistatic agents are presented, the presently recited POE(2) C13-15 alkylamine is missing. As such, this reference does not teach to provide the two antistatic agents as claimed herein to achieve the recited electrostatic properties.

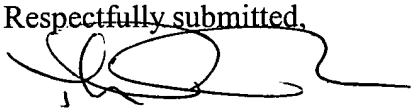
Reconsideration is respectively requested.

IV. Conclusion

In view of the foregoing remarks and analysis, Applicants respectfully submit that the present claims comply with all statutory requirements, and are presently in condition for immediate allowance. Therefore, entry of the above amendments and passage of the application to allowance are respectfully requested.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,



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ATTACHMENT I- Marked-Up Claims

14. (Amended) A transfer apparatus [according to claim 13, wherein] comprising a film, said film comprising:

an [the] olefinic base resin [is present in a range of from 98 to 99.5%];

an [the] amide-based antistatic agent [is present] in a range of from 0.1 to 0.5% by weight of said film; and

an [the] amine-based antistatic agent [is present] in a range of from 0.01 to 0.1% by weight of said film; and

a [the] filler [is present in a range of from 0.1 to 1.0%];

wherein the amide-based antistatic agent comprises N,N-bis(2-hydroxyethyl)dodecaneadmide; and the amine-based antistatic agent comprises POE(2) C13-C15 alkylamine and said film has a surface resistivity of less than $1x10^{11}$ ohms per square and a charge decay of less than 3.5 seconds.

16. (Amended) A transfer apparatus according to claim 15, wherein said olefinic base resin is a [the] metallocine-catalyzed resin [is present in a range of from 99.0 to 99.4%];

[the N,N-bis(2-hydroxyethyl)dodecaneadmide is present in a range from 0.3 to 0.5%;

the POE(2) C13-C15 alkylamine is present in a range from 0.05 to 0.1%;] and

the filler is [the] diatomaceous earth [is present in a range from 0.1 to 0.4%].

25. (Amended) A transfer apparatus according to claim 14, [including a film, said film comprising an olefinic base resin in a greatest proportion, an antistatic agent in a lesser portion, and a filler in a least proportion,] wherein [said] the proportions of said olefinic base resin, amide-based antistatic agent, amine-based antistatic agent and filler are selected such that said film passes a discharge incendivity test.

28. (Amended) An [A transfer] apparatus for transporting pharmaceuticals with exposing workers to the health hazards of the pharmaceuticals said apparatus including a film, said film comprising [according to claim 27],

an [the] olefinic base resin [is present in a range of from 98 to 99.5%];

an [the] amide based-antistatic agent [is present] in a range of from 0.1 to 0.5% by weight of said film; and

an [the] amine-based antistatic agent [is present] in a range of from 0.01 to 0.1% by weight of said film; and

a [the] filler [is present in a range of from 0.1 to 1.0%];

wherein the amide-based antistatic agent comprises N,N-bis(2-hydroxyethyl)dodecaneadmide; and the amine-based antistatic agent comprises POE(2) C13-15 alkylamine and said film has a surface resistivity of less than $1x10^{11}$ ohms per square and a charge decay of less than 3.5 seconds.

30. (Amended) An [A transfer] apparatus according to claim 28 [29], wherein said olefinic base resin is a [the] metallocine-catalyzed resin [is present in a range of from 99.0 to 99.4%];

[the N,N-bis(2-hydroxyethyl)dodecaneadmide is present in a range from 0.3 to 0.5%;

the POE(2) C13-C15 alkylamine is present in a range from 0.05 to 0.1%;] and

the filler is [the] diatomaceous earth [is present in a range from 0.1 to 0.4%].